

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

NATIONWIDE PROPERTY & CASUALTY
INS. CO., as subrogee of JOSEPH AND
BRITAIN PAQUETTE

Plaintiffs,

v.

A+ CHIMNEY SERVICE, LLC,

Defendant.

Case No. 5:16-cv-00069-gwc

**DEFENDANT’S MOTION TO STRIKE PLAINTIFF’S MOTION TO EXCLUDE
DEFENDANT’S EXPERTS**

Pursuant to Local Rule 7(a)(4)(B) Defendant A+ Chimney Service, LLC (“A+ Chimney”), by and through its attorneys Downs Rachlin Martin PLLC, moves to strike Plaintiff’s Motion to Preclude Defendant’s Experts (Doc. 35), a 66-page document which was filed without prior leave from this Court to exceed the page limit by 51 pages.

Local Rule 7 in relevant part state that “Unless the judge grants prior leave ... a memorandum supporting ... a non-dispositive motion must not exceed 15 pages, excluding exhibits and attachments.” Local Rule 7(a)(4)(B). On March 13, 2017, Plaintiff electronically filed a 66-page motion to exclude all three of Defendant’s experts with 18 separate attachments (totalling 254 pages). This motion was filed without prior leave from the court and without notice to or consent from Defendant.

Defendant A+ Chimney respectfully requests that this Court grant its motion to strike Plaintiff’s motion, or in the alternative, grant Defendant leave to exceed the page limit in its opposition and 30 days to respond to Plaintiff’s motion. Plaintiff’s counsel agrees to stipulate to

Defendant's request for leave to exceed the page limit in its opposition but not strike the motion in its entirety.

Dated at Burlington, Vermont on this 14th day of March, 2017.

DOWNNS RACHLIN MARTIN PLLC

By /s/ Samantha Lednicky

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ATTORNEYS FOR DEFENDANT
A+ CHIMNEY SERVICE, LLC

LOCAL RULE 7(a)(7) CERTIFICATION

Local Rule 7(a)(7) requires the parties to meet-and-confer on all non-dispositive motions in a good faith attempt to obtain opposing party's agreement to the requested relief. The undersigned counsel hereby certifies that she reached out to opposing counsel via email on March 14, 2017 and was unable to obtain his consent to strike but agreed to stipulate to Defendant's request for leave to exceed the page limit in its opposition.

By /s/ Samantha Lednicky

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2017, I electronically filed with the Clerk of the Court Defendant's Motion to Strike Plaintiff's Motion to Exclude Defendant's Experts using CM/ECF system. The CM/ECF system will provide service of such filings via Notice of Electronic Filing to the parties of record.

DOWNS RACHLIN MARTIN PLLC

By /s/ Samantha Lednický

Samantha V. Lednický

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